

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-24 are currently pending, with Claims 1-8 and 15-20 withdrawn as directed to non-elected inventions. Claims 9, 14, and 21-24 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 9-14, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,684,715 to Palmer (hereinafter “the ‘715 patent”) in view of U.S. Patent No. 6,404,901 to Itokawa (hereinafter “the ‘901 patent”) and U.S. Patent No. 6,014,461 to Hennessey et al. (hereinafter “the ‘461 patent”); and Claims 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘715, ‘901, and ‘461 patents, further in view of U.S. Patent No. 6,278,466 to Chen (hereinafter “the ‘466 patent”).

Amended Claim 9 is directed to a video data description method, comprising: (1) extracting feature data of a predetermined object and feature data of a background area from a frame of an input video; (2) describing the feature data of the predetermined object and the feature data of the background area as a descriptor of the frame, the feature data of the predetermined object including *a color histogram of an area of the predetermined object*, the color histogram representing each color element; and (3) attaching the descriptor to the frame. Claim 9 has been amended to clarify that the feature data of the predetermined object includes *a color histogram of an area of the predetermined object*. The changes to Claim 9 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

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<sup>1</sup> See, e.g., Figures 10B and 10C and the description related thereto in the specification.

Applicants respectfully submit that the rejection of Claim 9 (and dependent Claims 11-13 and 21) is rendered moot by the present amendment to Claim 9.

Regarding the rejection of Claim 9, the Office Action asserts that the '715 patent discloses everything in Claim 9 with the exception of extracting feature data of a background area from a frame, wherein the feature data includes color information, and relies on the '901 and '461 patents to remedy that deficiency.

The '715 patent is directed to an interactive video system with dynamic video object descriptors. As shown in Figure 3, the video object descriptor 60 includes an attribute part 62 that includes ID positive, shape, size, layering, duration, action, and action parameters. However, as admitted in the Office Action, the '715 patent fails to disclose extracting feature data of a background area from a frame, as recited in Claim 9. Moreover, Applicants respectfully submit that the '715 patent fails to disclose extracting feature data of a predetermined object *including a color histogram of an area of the predetermined object*, as recited in amended Claim 9.

The '901 patent is directed to an image processing apparatus and method in which image data is divided into a background portion and a foreground portion by the calculation of a moving vector for each block in a frame. As shown in Figure 6 of the '901 patent, a moving vector 601 of the background portion and a moving vector 602 of the foreground portion are respectively calculated among sequential frames. However, Applicants respectfully submit that the '901 patent fails to disclose that *a color histogram of an area of a predetermined object* is extracted from a frame of an input video, as recited in amended Claim 9.

The '461 patent is directed to an apparatus and method for automatic object classification by capturing a pixel map of an image and generating high-level descriptors of the object from the captured pixel map. In particular, as shown in Figure 20, the '461 patent

discloses that descriptors such as average color, edge sharpness, size, and shape are extracted. Regarding color information, however, the '461 patent merely discloses the computation of the *average color*, as shown, e.g., in column 8, lines 30-35. However, Applicants respectfully submit that the '461 patent fails to disclose feature data of a predetermined object *including a color histogram of an area of the predetermined object*, as recited in amended Claim 9.

Thus, no matter how the teachings of the '715, '901, and '461 patents are combined, the combination does not teach or suggest extracting or describing feature data of a predetermined object *including a color histogram of an area of the predetermined object*, as recited in amended Claim 9. Accordingly, Applicants respectfully submit that Claim 9 (and dependent Claims 10-13 and 21) patentably define over any proper combination of the '715, '901, and '461 patents.

In the outstanding Office Action, the stated motivation for combining the teachings of the '715, '901, and '461 patents is "so that complete feature data about an entire frame of video is recorded and object tracking is performed more accurately."<sup>2</sup> However, Applicants submit that the Office Action is simply stating perceived advantages of Applicants' invention as motivation to combine the '715, '901, and '461 patents, without identifying that, absent Applicants' specification, one of ordinary skill in the art would have even thought to address the problem. Such hindsight reconstruction of Applicants' invention cannot be used to establish a *prima facie* case of obviousness.

Claim 14 recites limitations analogous to the limitations recited in Claim 9. Moreover Claim 14 has been amended in a manner analogous to the amendment to Claim 9. Accordingly, for the reasons stated above for the patentability of Claim 9, Applicants

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<sup>2</sup> See page 4 of the Office Action dated February 11, 2004.

respectfully submit that the rejection of Claim 14 (and dependent Claim 23) is rendered moot by the present amendment to Claim 14.

Regarding the rejection of dependent Claims 22 and 24 under 35 U.S.C. § 103, Applicants respectfully submit that those rejections are rendered moot by the present amendment to independent Claims 9 and 14. Moreover, Applicants respectfully submit that the '466 patent fails to remedy the deficiencies of the '715, '901, and '461 patents, as discussed above. Accordingly, Applicants respectfully submit that Claims 22 and 24 patentably define over the cited references.

Thus, it is respectfully submitted that independent Claims 9 and 14 (and all associated dependent claims) patentably define over any proper combination of the '715, '901, '461, and '466 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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